



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

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Land Use Action Date:	June 8, 2004
Board of Alderman Action Date:	June 21, 2004
90-Day Expiration Date:	August 9, 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Nancy Radzevich, Chief Planner  
Eric Jerman, Senior Planner

DATE: May 7, 2004

SUBJECT: #164-04 111 NEEDHAM STREET--MCDONALD'S CORPORATION (MCCOY ASSOCIATES, INC.—FRANCHISEE). petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #140-78 and for an EXTENSION of a NON-CONFORMING USE to demolish and reconstruct an existing 136-seat restaurant with the addition of drive-through and pick-up windows on the south side of the building; a menu display board, reconfiguration of the existing parking area, including lights, curb cut, signage and landscaping, and the addition of new exist driveway at 111 NEEDHAM STREET, Ward 5, on land known as Sec, Blk 28, Lot, 16, containing approximately 40,335 sq.ft. of land in a district zoned MIXED USE 1.

CC: Mayor David B. Cohen

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

**I. ELEMENTS OF THE PETITION**

The petitioner proposes to demolish an existing 4,729 s.f. McDonald's restaurant and reconstruct a new 4,298 s.f. McDonald's restaurant with a new drive-through at 111 Needham Street. The existing one-story brick building is approximately 26 years old, and was constructed by Special Permit in 1978. (Board Order #140-78)

The proposed building will be similar in size and sited in approximately the same location as the existing building. However, as a result of the drive-through use, there will be a decrease of 31 seats, resulting in a total of 105 seats.

The submitted plans indicate substantial changes to the existing site and parking facility as a result of the proposed drive-through lanes, which includes a menu board and ordering area, and two separate windows for purchasing and picking up food. The number of parking spaces will be reduced from 74 to 39 stalls.

In keeping with the approved plans for Avalon at Newton Highlands (Comprehensive Permit approved by the Zoning Board of Appeals in 2001), the petitioner is proposing to construct a driveway between the subject property and the Avalon at Newton Highlands site. The cross-connection will service one-way traffic from the McDonalds site for vehicles exiting north-bound onto Needham Street. The proposed curb cut on Needham Street will service all traffic entering the site, as well as all south-bound traffic on to Needham Street ("right-out only").

*The Chief Zoning Code Official's written zoning determination, dated May 3, 2004, is complete. (see Attachment "A")*

**II. ZONING RELIEF BEING SOUGHT**

*In his Zoning Determination, the Chief Zoning Code Official has noted that the petitioner must seek relief from or approvals through the following Sections of the Zoning Ordinance.*

- 1. Section 30-13(b)(5) allows the Board of Aldermen to grant a special permit to allow a restaurant and business which hold a Common Victualler license issued by the licensing authority of the City, provided that a free-standing retail structure shall contain a minimum of 5,000 sq. ft. of gross floor area; (NOTE: This is the only Section of the Zoning Ordinance that makes a reference to "restaurants" in a Mixed Use 1 District. The petitioners are not seeking a license to serve alcohol.)*
- 2. Section 30-19(m) allows the Board of Aldermen to grant exceptions to the dimensional requirements for parking if it is determined that compliance is impracticable due to the nature of the site and that such exceptions would be in the public interest. The petitioner will require waivers from the following Sections of the parking regulations:*

- a.) *Section 30-19(h)(2)(a)&(b) requires that parking stall width be at least nine (9) feet and the depth shall be at least nineteen (19) feet for all angle parking. (NOTE: From the submitted plans it appears that 2 of the parking stalls do not meet required length.)*
  - b.) *Section 30-19(h)(1)& 30-15, Table 3 requires that no parking stall shall be located within any required setback distances from a street and sidelines, and shall, in any case be set back a minimum of five (5) feet from the street.*
  - c.) *Section 30-19(h)(2)(c) requires that handicapped stalls shall have a minimum stall width of at least twelve (12) feet and a minimum stall depth of at least nineteen (19) feet for all angle parking.*
  - d.) *Section 30-19(h)(4)(b) requires that the maximum width of entrance and exit driveways shall be twenty-five (25) feet, except in conjunction with loading facilities as provided in subsection (l) of this section.*
  - e.) *Section 30-19(i) in parking facilities containing more than five (5) stalls, requires the screening from abutting streets and properties, and requires that an area equivalent to at least five (5) percent of the area of a parking facility with twenty (20) stalls or more shall be landscaped and continuously maintained.*
  - f.) *Section 30-19(j)(1)(b) requires that outdoor parking facilities containing more than five stalls shall be lighted and that all artificial lighting shall be arranged and shielded so as to prevent glare from the light source onto adjacent streets and properties.*
- 3. *Section 30-20(l) in particular instances, and in accordance with Section 30-24, the Board of Aldermen may grant a special permit to allow standing signs and exceptions to the limitations on the number, size, location and height of signs if it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that standing signs or exceptions should be permitted in the public interest. In granting such a permit, the board shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the building code;*
  - 4. *Section 30-20(f)(8) requires that directional signs, i.e., signs indicating "entrance," exit," parking," or the like, erected on a premises for the direction of persons or vehicles, not exceed three (3) square feet per sign;*
  - 5. *Section 30-21(b) allows the Board of Aldermen to grant a special permit to allow a non-conforming building or structure to be structurally or substantially altered or enlarged to permit the extension of a nonconforming use, and a nonconforming use may be extended in an existing building or structure or enlargement thereof, and a nonconforming use may be changed to another nonconforming use;*
  - 6. *Section 30-23 for Site Plan Approval; and*

7. *Section 30-24 for Special Permit Approval.*

*In their application for a special permit, the Petitioner has included a request for relief from the following sections of the Zoning Ordinance. (NOTE: that the Chief Zoning Code Official did not cite these in his Zoning Determination, dated May 3, 2004.)*

- A. *Section 30-13(b)(1) allows the Board of Aldermen to grant a special permit to allow a retail store, provided that a free-standing retail structure shall contain a minimum of 5,000 sq.ft. of gross floor area; (NOTE: McDonalds is considered a “restaurant” and does not qualify as a “retail store,” as referenced in this Section)*
- B. *Section 30-13(b)(16) allows the Board of Aldermen to grant a special permit for uses similar to or accessory to those authorized by section 30-13(b) which are not injurious to the neighborhood;*
- C. *Section 30-15 (Table 3)(Note #10) requires that parking facilities shall be set back no less than five (5) feet from the side and rear setback lines;*
- D. *Section 30-21(a)(2), allows the Board of Aldermen to grant a special permit to allow any change or substantial expansion of a nonconforming use and nonconforming structure;*
- E. *Section 30-20(i) requires that no red or green lights or any lighting effect utilizing such colors shall be used on any sign if, in the opinion of the Chief of Police, such light or lighting effect would create a hazard to the operation of motor vehicles.*

**III. SIGNIFICANT ISSUES FOR CONSIDERATION**

*In reviewing this petition the Board of Aldermen should consider the following:*

- *Whether a fast food establishment with a drive-through is appropriate for the subject property;*
- *Whether the proposed change, extension or alteration of the existing structure will be substantially more detrimental than the existing nonconforming use;*
- *Whether the number, location and size of the proposed standing signs are appropriate for this site;*
- *Whether the proposed uses and/or site configuration will result in any significant vehicular or pedestrian conflicts; and*
- *Whether the requested parking waivers will pose any traffic hazards.*

**IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

A. Site

The 40,335 sq.ft. site is located at 111 Needham Street, Newton Upper Falls, Ward 5, Section 51, Block 28, Lot 16 in a Mixed Use 1 District on Needham Street. The site is improved with a 4,729 sq.ft. one-story brick structure that is rectangular-shaped. The existing structure is setback 49 ft. from Needham Street.



**Photo #1:** View of existing building from Needham Street. The Avalon Bay residential development is in background.



**Photo # 2:** View of loading area to rear (west) of existing building. Approximate location of proposed menu boards for drive-through.





**Photo #3:** View of existing wood fence and retaining wall at northwest property line. Petitioner proposes to remove existing wood fence. No replacement fence is proposed, no significant increase in landscape plantings for screening are proposed.



**Photo #4:** View of proposed cross-connection exit driveway (one-way traffic only) where north-bound traffic will exit from McDonalds to existing exit driveway for Avalon Bay before turning left on Needham Street. Submitted plans indicate that a traffic signal is proposed for this intersection with Needham Street.

B.

The subject property is on Needham Street, between the intersections of Columbia Avenue and Rockland Street. The site is abutted on the north and west by multi-family residential uses and abutted to the south by commercial uses. The subject property is located at the edge of Newton Upper Falls, adjacent to the newly constructed Avalon at Newton Highlands, which when completed will include 294 apartment units. Other businesses on this block of Needham Street include restaurants, retail stores, and gas stations. The west side of Needham Street is located within a large Mixed Use 1 District. The east side of Needham Street, between Comumbia Avenue and Jaconnet Street is a Mixed Use 2 District.

## V. ANALYSIS

### A. Technical Considerations

The following table compares the existing and proposed site conditions with the technical requirements in a Mixed Use 1 District.

Mixed Use 1 District	“As-of-Right”	Special Permit (And/Or Site Plan Approval)	Existing	Proposed
Min. Lot Area	40,000 sq.ft.	40,000 sq.ft.	40,335 sq.ft.	40,335 sq.ft.
Setbacks:				
Front	15 ft.	15 ft.	49.2 ft.	56 ft.
Side (North)	7.5 ft.	7.5 ft.	62.5 ft.	60.1 ft.
Side (South)	7.5 ft.	7.5 ft.	45.7 ft.	58.5 ft.
Rear	7.5 ft.	7.5 ft.	50.9 ft.	45 ft.
Max. Height	36 ft.	48 ft.	14 ft	14.3 ft. 22 ft. (light poles)
Max. Height in Stories	3 stories	4 stories	1 story	1 story
Min. Frontage	80 ft.	--	180 ft.	180 ft.
Max. Floor Area Ratio (FAR)	1.50	2.00	.12	.10
Gross Floor Area (for Restaurants)	5,000 sq. ft. minimum	Site Plan Approval 10,000 – 19,999 sq.ft. Special Permit >20,000 sq.ft.	<b>4,729 sq. ft.</b>	<b>4,298 sq. ft.</b>

Based on the plans and supplemental information, the proposed site and structure comply with all the dimensional controls in a Mixed Use 1 District except the 5,000 sq.ft. minimum gross floor area required for free-standing restaurants. ***The Chief Zoning Code Official notes in his Zoning Determination that the petitioner must seek relief from the Zoning Ordinance relative to this minimum floor area requirement. (See Attachment “A”)*** The Planning Department notes



that while the Zoning Determination cites Section 30-13(b)(5) this particular Section of the Zoning Ordinance is worded in a somewhat confusing manner. After discussions with the City's Law Department, the Chief Zoning Code Official has determined that this Section is, in fact, the most appropriate section to cite in the instance of this particular petition for a McDonalds restaurant. This is the only Section of the Zoning Ordinance that references "restaurants" located in a Mixed Use 1 District. The Chief Zoning Code Official and the Law Department are in agreement that Section 30-13(b)(5) states that restaurants in the Mixed Use 1 District require special permits. In addition, restaurants require a minimum of 5,000 gross floor area to get a special permit, unless the restaurant is determined to be a prior non-conforming use.

**B. Parking Requirements**

The table below depicts how the project compares with the requirements of Section 30-19 of the Zoning Ordinance:

<b>Section 30 –19</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Loading Stalls	0 (under 5,000 sq.ft.)	0	0
Handicapped Stalls	2 (min.)	3	2 with <b>Insufficient width</b>
Min. Stall Width	9 ft.	--	9 ft.
Min. Stall Length (all angle parking)	19 ft.	--	37 stalls @ 19 ft. <b>2 stalls @ &lt;19 ft.</b>
Max. Driveway Width	25 ft.	<b>32 ft.</b>	<b>30 ft.</b>
Min. Aisle Width (90 degree parking) (60 degree parking)	24 ft. 19 ft.	<b>20 ft.</b>	31 ft. 19 ft.
Front Setback	20 ft.	<b>7 ft.</b>	20 ft.
Side Yard Setback	5ft.	<b>3.7ft.</b>	<b>4.6 ft.</b>
Rear Yard Setback	5 ft.	16.2 ft.	7 ft.
Lighting	1 ft. candle	--	1.2 ft. candle (min.) 9.5 ft. candle (max.)/ <b>Exceeds 0.0 at Property Lines</b>
Landscape Screening	Screen parking from abutting property	Existing Wood Fence and Mature Landscaping	Landscaping to Be Enhanced/ <b>Existing Wood Fence to Be Removed</b>
Min. # of Parking Spaces	39 stalls min.	74	39 stalls
Bicycle Parking	1 per 10 parking stalls (3.9)	--	4
Interior Landscaping	5 %	--	<b>No calculations on plans</b>

As noted in the table above, the petitioner has proposed 39 parking stalls, or the same number of stalls required by the Zoning Ordinance. In his review, the Chief Zoning Code Official notes that it appears that the A-B+C formula is not pertinent to this petition because the petitioner is not proposing an increased demand in parking spaces. (*See Attachment "A"*) In fact, the number of indoor seats will decrease from 136 to 105, for a reduction of 31 seats, and the size of the proposed building will be decreased by approximately 400 sq. ft. from the existing building.

The Chief Zoning Code Official noted in his Zoning Determination that the petitioner must seek relief from the Zoning Ordinance from the requirements for handicapped stalls. (*See Attachment "A"*) Submitted plans indicate that the two proposed handicap accessible stalls do not satisfy the state or the City requirements, which require 8 feet widths for each stall, in addition to an 8-foot wide aisle separating the two stalls, for a total of 24 feet in width for the 2 stalls and the aisle. The petitioner has indicated to the Planning Department that it will revise the plans to comply with the Zoning Ordinance requirements. ***Prior to the Working Session, the petitioner should revise all relevant plans to satisfy state and City requirements for handicapped accessible parking stalls.***

In his memorandum, the Chief Zoning Code Official noted that the petitioner must seek relief from the Zoning Ordinance to allow for parking stalls that are less than 9 feet in width and less than 19 feet in length. (*See Attachment "A"*) The Planning Department notes that on the submitted plans parking stalls # 16 and # 39 appear to measure less than 19 feet in length. In discussions with the Planning Department the petitioner has indicated that it believes the two stalls are, in fact, 19' in length. ***Prior to the Working Session, the petitioner should revise all relevant plans with all appropriate dimensions for the parking stalls.***

The submitted plans indicate a proposed 30' wide driveway width at the Needham Street curb-cut, which exceeds the maximum permitted width by 5 feet.

The petitioner is seeking relief from the Zoning Ordinance (Section 30-19(h)(1)) from the requirement for a 5 foot parking setback from side property lines. Submitted plans indicate a proposed side yard setback of 4.6 feet from the northern property line.

The petitioner's submitted photometric plan indicates that the Zoning Ordinance's minimum lighting requirements of 1.0 foot candle per sq. ft. on the parking areas will be satisfied. However, the plans also indicate that there will be light, and possible glare, from the proposed light poles that will spill over the property line, onto the abutting residential property.

The submitted landscape plan indicate that the petitioner intends to remove the existing wood fence that currently separates the parking lot from the abutting residential property. The Planning Department believes that the proposed landscaping may not sufficiently screen the McDonalds parking areas from the abutting 294-unit Avalon at Newton Highlands. Additional landscape screening may be necessary.

The submitted plans did not indicate calculations to indicate how the petitioner has determined that its proposed landscape plan will satisfy the Zoning Ordinance requirement that 5% of the interior space of parking lots be planted with landscaping. ***The petitioner has indicated they would revise the landscape plan to include calculations for determining the percent of interior landscaping in the proposed parking facility. This information should be submitted prior to the Working Session.***

The submitted plans indicate that there will be a total of 4 bicycle parking spaces, on one bike rack, located adjacent to the proposed monument sign along Needham Street, as required by the City's Zoning Ordinance.

The petitioner is proposing to close an existing curb cut along Needham Street. The existing curb cut is 32' wide. The new curb cut will be located further south and is proposed to be 30 feet in width.

C. Departmental Reviews

***The Engineering Division of the Public Works Department is expected to complete their site engineering review under separate cover prior to the public hearing.***

The Assistant Fire Chief of Operations has reviewed the submitted plans. He notes that the Newton Fire Department has stamped the plan and approves the site layout. Further, he notes that, after reviewing the access and egress to the site, he has determined "that there is sufficient width, accessibility, and maneuverability for our fire apparatus." A copy of his review is attached. (***SEE ATTACHMENT "B"***)

***The City Traffic Engineer is expected to complete his review under separate cover prior to the public hearing.***

D. Traffic Analysis

The proposed curb cut on Needham Street will service two-way traffic, providing the sole access for all incoming traffic and also providing an exit for all southbound traffic on Needham Street (*right-turning traffic only*). A raised cobblestone area in between the two lanes will serve to direct entering and exiting traffic, and is designed to deter vehicles from making a left turn (northbound) on to Needham Street. The cobblestone area will be constructed to allow delivery trucks to drive up over the raised area when entering and exiting the site.

All northbound traffic exiting the site will be directed to a cross-connecting driveway to access the Avalon at Newton Highlands' driveway (as approved by the Zoning Board of Appeals), where traffic will then turn left (northbound) on to Needham Street, where a traffic signal is proposed to be installed by Avalon Bay Communities. The Massachusetts Highway Department is currently reviewing 75% plans (prepared by Avalon Bay Communities) for a traffic signal at this

intersection. Directing the northbound traffic to this common point will provide a safer and more cohesive traffic plan from these sites & will minimize the vehicular conflicts along this stretch of Needham Street.

A major feature of the proposed structure will be a drive-through lane accessing ordering and pick-up windows. Submitted plans indicate that vehicles will enter the site and enter a drive-through lane on the north side of the building and circulate counterclockwise around the building, past the menu and ordering signs, to the two windows located on the south side of the building.

Vanasse Hangen Brustlin, Inc. (VHB), a consultant to the petitioner, submitted a Traffic Study, dated March 16, 2004, that analyzes potential traffic volumes and traffic circulation issues associated with the proposed McDonald's restaurant and drive-through. The traffic assessment indicates that the "proposed modifications at the existing restaurant are expected to result in an increase in peak hour traffic volumes of 63 to 131 vehicle trips during the peak hours and an increase of 598 and 346 weekday and Saturday daily trips, respectively."

The VHB Traffic Study also estimates that the "projected maximum vehicle queue of 4 vehicles or 10 vehicles during peak hours at the proposed drive-through window can be accommodated entirely on the site." The study also estimates that because a vehicle entering the site "would have to travel approximately 370 feet in order to get to the pick-up window" the site is capable of accommodating a maximum "queuing distance of up to 18 vehicles". The Planning Department notes that there was no graphic illustration of the vehicle queuing analysis included with the Traffic Study. The Planning Department notes that a graphic queuing analysis is needed to verify that 18 vehicles can queue on site without posing an obstruction to internal traffic circulation or without impeding traffic flow on Needham Street. ***Prior to the Working Session the petitioner should submit a visual queuing analysis to the City Traffic Engineer.***

E. Building Design

Submitted plans indicate that the proposed structure will be a one-story building with an exterior of cedar wood clapboard siding and brick veneer wainscoting. The proposed roof will be the mansard parapet style design that is traditionally associated with McDonalds, however, there will be no "bracket" elements, typically used for decoration purposes only, attached to the roof. After discussions with the Planning Department the petitioner has agreed to paint the clapboard exterior a color compatible with the adjacent Avalon at Newton Highlands.

F. Landscaping

The submitted landscape plans indicate that there will be additional landscape plantings, with the majority of new plants being planted in the front setback, adjacent to Needham Street. It appears that the overall effect of the proposed plantings will be to provide ornamentation, and will not provide any significant buffering or screening of the parking areas. The Planning Department believes that additional landscape screening is needed along all of the property lines in order to comply more fully with the Zoning Ordinance's requirement that parking

areas with more than 5 stalls must be screened from abutting properties and streets. The proposed drive-through will increase not only the number of vehicles on site but there will be a greater sense of vehicles circulating on site. The Planning Department suggests that additional plantings and the use of earthberm along Needham Street would improve the screening from the street.

As previously noted, the submitted landscape plan indicates that the existing wood fence is to be removed. Because of the limited perimeter landscaping, there may be limited screening of the parking facility. The Planning Department is particularly concerned that the vehicle headlights could potentially cause a nuisance to the residential abutters particularly with the drive-through. ***Prior to the Working Session, the petitioner should submit a revised landscape plan that includes a significant increase of landscape screening, especially along the northern and western property lines or maintain the existing wood fence.***

G. Signs

	<b>Sign Ordinance</b>	<b>Proposed</b>
Monument Sign	Requires Special Permit	<b>Requires Special Permit</b>
2 Free-standing entrance/exit signs	3 sq. ft. area maximum	<b>Exceed 3 sq. ft. limit</b>
3 Drive-through ordering signs	35 sq. ft. are maximum	<b>43.3 sq. ft. area</b>

The submitted plans indicate that the petitioner is proposing to construct multiple directional signs, free-standing menu signs, and a free-standing monument sign. At the request of the Planning Department the petitioner submitted a complete sign package to the Urban Design and Beautification Committee (UDBC) for review at its 4/21/04 meeting. The UDBC approved the design of the free-standing monument sign subject to revision to remove/open up the foundation to improve traffic visibility. (***See Attachment “D”***) The Commission requested that the petitioner submit additional information as to the typical standards for menu signs. The UDBC approved the menu signs contingent on the Board of Aldermen approval of a drive-through service.

The petitioner has requested a special permit for the proposed free-standing monument sign. The proposed free-standing monument sign will be illuminated and will be primarily red, with the yellow “M” logo in the center. As required by Section 30-20(I)(2) of the Zoning Ordinance, the City’s Chief of Police must review all proposed signs with red illumination and determine that it will not be a traffic hazard. The Planning Department has requested that the City’s Chief of Police review the submitted elevation for the monument sign. ***The Chief of Police is expected to submit his review memorandum prior to the Public Hearing.***

The Zoning Determination from the Chief Zoning Code Official notes that the two proposed free-standing entrance/ exit signs exceed the 3 sq. ft. area maximum required by the Zoning Ordinance. (***See Attachment “A”***) The dimensions of these entrance/ exit signs are slightly larger than allowed by the Sign Ordinance.

The Planning Department suggests that the petitioner revise the plans to comply with the City's Zoning Ordinance.

The Zoning Determination from the Chief Zoning Code Official notes that main ordering sign exceeds the 35 sq. ft. area maximum required by the Zoning Ordinance. *(See Attachment "A")* The dimension of the main menu sign is approximately 8 sq. ft larger than allowed by the Sign Ordinance. The Planning Department suggests that the petitioner also reduce the sign to comply with the City's Zoning Ordinance. ***Prior to the Working Session, the petitioner should submit new sign details/ elevations for all entrance, exit & menu signs at sizes, that comply with the Zoning Ordinance.***

The Planning Department notes that the menu sign is expected to have a loudspeaker to facilitate communication between customer and employees, however the submittal does not include any information about the projected sound levels associated with the loudspeaker. ***Prior to the Working Session, the petitioner should submit information clarifying the projected sound levels from the loudspeaker(s) on the proposed menu sign(s).***

As noted in the Zoning Determination, the submitted elevation plans indicate a roof sign. The Chief Zoning Code Official noted in his Zoning Determination that roof signs are not allowed under the Sign Ordinance. ***Prior to the Working Session, the petitioner should submit revised elevation plans that removes all roof signs and complies with the City's Sign Ordinance.***

#### H. Lighting

The proposed light posts meet the Zoning Ordinance requirements for setback and height. The submitted lighting plan indicates that there will be adequate coverage of all the parking area, however, the plans indicate that there will be light, and possibly glare, spilling out beyond the site's property line. This poses a potential nuisance for the residential abutter to the north and west (Avalon at Newton Highlands). The Planning Department has requested that the petitioner revise the lighting plan to diminish any light and glare beyond its property line. Additionally, the lighting plan does not specify that the proposed lighting will be "metal halide." ***Prior to the Working Session, the petitioner should revise the lighting plan to ensure no light or glare spills beyond its property lines, and include a note that the proposed lighting will be "Metal Halide."***

#### I. Relevant Site Plan Approval Criteria

##### 1. Convenience and safety of vehicular and pedestrian movement.

The Planning Department is concerned that the submitted plans pose a potential on-site traffic circulation problem. Vehicles have a potential to arrive from several different directions and converge in one location next to the southeast corner of the proposed building. Pedestrian traffic in the sidewalks also complicates this potential problem with site circulation. After discussions with the Planning Department and the City Traffic Engineer, the petitioner agreed to include a traffic-directing device, in the form of an area of raised cobble stone pavers, at the junction of these different streams of traffic. The Planning Department notes that, at the



request of the Planning Department, the petitioners have proposed to construct a cobble stone paver area beyond its property line, and into the Needham Street Road Right of Way (R.O.W.). As the R.O.W. is the property of Massachusetts Highway Department, the submitted plans are subject to their approval.

In its discussions with the petitioner, the Planning Department requested additional means to ensure pedestrian safety on pedestrian crosswalks, beyond the proposed painted striping. The Planning Department believes that adding a strip of textured concrete before and after the proposed paint striping will increase the visibility of crosswalks. ***Prior to the Working Session, the petitioner should revise the site plan and landscape plan to include a strip of textured concrete on either side of the painted crosswalks.***

2. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines.

As previously mentioned, the proposed structure will be typical of McDonald's restaurants. The use of brick with clapboard will be consistent with the materials used at the adjacent Avalon at Newton Highlands. The petitioner has agreed to paint the cedar clapboard a color compatible with the Avalon at Newton Highlands. See section V.E., above.

3. Adequate method of disposal of waste.

There is one dumpster location in the southwest corner of the lot. The submitted plans indicate that the dumpster will be screened. There do not appear to be designated areas or the means for separating recycled materials and other refuse on the property. ***Prior to the working session, the petitioner should clarify their proposed means to adequately dispose of all waste.***

4. Provision for off-street loading.

Because the proposed restaurant is smaller than 5,000 sq.ft., there will not be a loading dock area. As noted on the submitted plans, sheet 7 of 7, "WB-50 truck deliveries shall be limited to *non-peak hours of operation* in order to minimize conflicts with cars stacked in the drive-through ordering area."

5. Screening of Parking.

See comments under Section V.F., above.

#### J. Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

The site has been in operation as a McDonalds restaurant for approximately 26 years. While a fast food establishment has been in operation at this site for some time, the addition of a drive-through lane

poses a significant change to the impact of the restaurant use. Although the petitioner proposes to decrease the interior seating (from 136 existing to 105 proposed seats) additional customers can access the restaurant from their cars. Waiting customers will sit in their vehicles and form a queue in the drive-through lane.

The VHB Traffic Study indicates that there may be sufficient space for a maximum of 18 vehicles to queue on-site and not pose a problem with traffic flow on Needham Street. The Planning Department is concerned that the site may experience internal traffic congestion with 18 vehicles in the drive-through, and congestion may occur with fewer than 18 vehicles. As noted above, the Planning Department believes that there was not sufficient graphic evidence provided in the Traffic Study to substantiate the traffic consultant's claim that 18 vehicles can form a queue in the drive-through without impeding internal traffic flow. Without additional information to support the traffic consultant's claims about maximum vehicle queuing the Planning Department believes that it cannot determine if the site is an appropriate location for the proposed use of a fast food establishment with a drive-through. ***The City Traffic Engineer is expected to provide further comments on this subject.***

2. The use as developed and operated will not adversely affect the neighborhood.

The submitted plans indicate that the proposed business use--fast food restaurant--appears to be consistent with the existing mix of uses on Needham Street. However, the Planning Department is concerned that the addition of a drive-through use will significantly increase the impact of vehicles and congestion on the site, as well as further adding to the existing congestion on Needham Street.

Vehicles in the drive-through lane may pose nuisance concerns to the residential abutters (Avalon at Newton Highlands) from headlights of vehicles turning around the northwest corner of the building, near the menu boards. Sound from the loudspeaker at the menu board may also pose a concern for abutters. The Planning Department notes that both of these concerns may be improved by an increased number of landscape plantings along the western and northern property line, and/or preservation of the existing fence.

Additional potential issues of concern for abutters include the noise from loudspeakers installed in the menu signs, and exhaust from idling vehicles in the drive-through lane.

See also Sections V.D., V.F., and V.H., above.

3. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

Traffic circulation on Needham Street is currently problematic, especially at peak hours. The petitioner has proposed measures toward alleviating traffic flow on Needham Street. By creating a cross-connection with the abutting site (Avalon at Newton Highlands) traffic intending to turn northbound onto Needham Street from this site will access the Avalon at Newton Highlands' exit driveway. It is expected that a traffic signal will be installed at this intersection in the coming year. Directing all northbound traffic from these 2 sites, to one point, will minimize vehicular conflicts & provide for safer egress from the site.

4. There will be no nuisance or serious hazard to vehicles or pedestrians.

See Sections V.D., and J.1., above.

## **VI. SUMMARY**

The petitioner proposes to demolish an existing McDonalds restaurant and construct a new McDonalds restaurant in approximately the same location. The most significant change from the existing restaurant will be the construction of a drive-through lane, which will include an ordering area, and two windows, one for paying and the other for picking up food. The proposed restaurant will have a total of 31 fewer customer seats, a reduction from 136 to 105 seats.

The proposed drive-through has several site plan implications for the construction of a new restaurant including a reduction in the number of parking stalls from 74 existing stalls to 39 proposed stalls, for a total of 35 stalls. The existing curb-cut will be closed and a new curb-cut will be constructed on site that will service all incoming traffic as well as a right-out only exit onto Needham Street (southbound). A cross-connection driveway will be constructed between the subject property and the abutter to the north (Avalon at Newton Highlands) to allow exiting traffic to make use of the existing exit driveway on to Needham Street. A traffic signal has been proposed for this intersection of Columbia Ave/ Needham Street and Avalon at Newton Highlands' exit drive.

The Planning Department notes that the proposed drive-through will likely have the largest impact upon the abutting residential property (Avalon at Newton Highlands) from cars in the drive-through lane. Among the concerns posed by vehicles in the drive-through lane include the light from headlights of vehicles turning the northwest corner of the proposed building toward the menu board. The Planning Department notes that the petitioner's proposal to remove the existing wood fence along this property line will raise concerns about the ability of the petitioner to screen its parking lot and lights from vehicles in the drive-through from the residential abutters. Additional potential issues of concern for abutters include the noise from loudspeakers installed in the menu signs, and exhaust from idling vehicles in the drive-through lane.

Perhaps the largest concern with the proposal involves the projected increase in vehicle traffic to the site as a result of the drive-through service. The Planning Department notes

that the submittal did not include a visual analysis of the projected vehicle queuing and that without this analysis it is difficult to determine if the site is an appropriate location for the use of a drive-through.

*Prior to the Working Session, the petitioner should:*

- 1. Revise all relevant plans with all appropriate dimensions for the parking stalls;*
- 2. Revise the Landscape Plan to include calculations of the landscaped areas that are interior to the parking lot;*
- 3. Submit a revised landscape plan that includes either a significant increase of landscape screening along the northern and western property lines or maintains the existing wood fence;*
- 4. Provide a revised photometric plan to assure that there is sufficient lighting on-site for safety of pedestrians and vehicular traffic, while ensuring that the lights are shielded from the abutting properties, and plans should include a note that the proposed lighting will be "Metal Halide;"*
- 5. Revise all submitted plans to include dimensions of handicapped accessible stalls that satisfy state and City requirements;*
- 6. Revise the site plan and landscape plan to include a strip of textured concrete on either side of the painted crosswalks;*
- 7. Clarify their proposed means to adequately dispose of all waste;*
- 8. Revise the sign details/ elevations for all entrance, exit and menu signs at sizes, to comply with the Zoning Ordinance;*
- 9. Submit revised elevation plans that removes all roof signs and complies with the City's Sign Ordinance;*
- 10. Submit information clarifying the projected sound levels from the loudspeaker(s) on the proposed menu sign(s).<sup>11</sup>; and*
- 11. Submit a visual queuing analysis.*